

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action/Discussion Item:**

704 KAR 3:390, Extended School Services (Final)

#### **Applicable Statute or Regulation:**

KRS 158.070

#### **Action Question:**

Should the Kentucky Board of Education (KBE) give final approval to 704 KAR 3:390, Extended School Services (ESS)?

#### **History/Background:**

***Existing Policy.*** The Kentucky Education Reform Act (KERA) included language requiring the provision of “continuing education” that later became known as Extended School Services (ESS). KRS 158.070 requires extra instructional time be provided beyond the regular school day, school week, or year for students who need additional time to achieve learning outcomes, and funding is provided to support these services. ESS programs take many forms including after-school instruction, evening sessions, Saturday sessions, summer, and daytime waiver programs. The times of the programs may vary, depending on students’ needs. The schedule for ESS program models are flexible enough to serve a wide range of students with differing needs. However, it is necessary to ensure that all students are selected by priority of greatest need. The commissioner of education may approve a district’s request for a waiver to use an alternative service delivery option, including providing services during the school day on a limited basis and meeting the criteria pursuant to 704 KAR 3:390, Section 7. This type of program is known as the “ESS Day-Time Waiver.”

In January 2008, under the authority of the Education Assessment and Accountability Review Subcommittee (EAARS), the Office of Educational Accountability (OEA) conducted an ESS study. Upon its completion, OEA reported to EAARS their findings based on data sources that included:

- the Student Information System,
- annual finance reports,
- site visits,
- a statewide survey,
- district documentation, and
- scholastic audits and reviews.

Those recommendations were used to guide the revision process and are included in their entirety in Attachment A.

The regulation was reviewed at the August 2008 KBE meeting and is now coming back to the October meeting for consideration of final approval.

**Policy Issue(s) and Options:**

KDE has revised the regulation based on the OEA recommendations that required policy changes.

- 1) **Funding formula:** No changes have been made as discussed during the August board meeting due to funding implications and impact to various districts.
- 2) **Flexibility:** The language in the proposed regulation would allow schools and districts the flexibility of utilizing ESS funds for daytime waivers by completing the customary application form for approval, or by including the daytime waiver information in the school or district's comprehensive improvement plan.
- 3) **Individualized Instructional Plan:** Student data will be monitored through the use of an individualized learning plan containing learning goals and both pre and post assessment for each student. Teachers of students of grades 6-12 will use the newly developed Intervention Module of the Individual Learning Plan (ILP). The revised ILP module will include space for documenting student interventions, which would include ESS information. The regulation now defines the components of a balanced assessment system and supports the collection of data in various ways (e.g., diagnostic, formative, summative) to support student learning.

KDE is recommending the following changes to 704 KAR 3:390:

- **Necessity, Function, and Conformity** - Additional flexibility has been provided to allow schools to provide extra instructional time to students whenever it is needed.
- **Section 1. Definitions (3) (4) (5) (6) (7)** – These changes define diagnostic, formative, interim/benchmark and summative assessments and the Individual Learning Plan (ILP).
- **Section 1. Definitions 2 (c)** – This additional definition ensures the alignment of the program goals and reflects best practices for struggling students while leveraging the ILP.
- **Section 2. Instructional Program (1) (b) and (2) and (2) (e)** - The revisions ensure attention is given to critical transition levels (exit elementary to middle, middle to high, and from high to post secondary and/or the workplace) as students persist to graduation.
- **Section 2 Instructional Program (2) (e)** - The change ensures that students' needs are determined and instructional decisions are made using data from a balanced assessment system.
- **Section 2 Instructional Program (4)** - The new language ensures the school or district's school improvement plans include the community and various stakeholder groups to contribute to the success of students by providing various resources, both human and fiscal.

- **Section 3. (1) Student Selection-** The change ensures access and opportunity for extended school services to those students enrolled in Alternative (A5-A6) schools.
- **Section 3. Student Selection 8(b)** – The language requires that notification to parents of eligibility includes how the intervention plan and goals are guided by the ILP.
- **Section 4. Funding** – No changes were made as discussed during the August board meeting due to funding implications and impact to various districts.
- **Section 7. -** Waivers for alternative service delivery require either a waiver application to operate a daytime ESS program, or allows schools to include their daytime ESS program information in their school improvement plan with notice given to KDE in advance. Waivers shall align with identified goals, objectives and data determined needs as indicated in the improvement plan. The waivers shall be submitted to KDE by the district ESS coordinator.
- **Section 8. Extended School Services and NCLB Supplemental Services** – The revision allows the districts the ability to leverage and coordinate human and fiscal resources to provide services for those students who are eligible to receive both ESS and NCLB supplementary instructional services.

**Staff Recommendation(s) and Rationale:**

KDE staff recommends that KBE give final approval to 704 KAR 3:390. The revisions address the recommendations from the Office of Education Accountability (OEA) report and better meet the instructional needs of students.

**Groups Consulted and Brief Summary of Responses:**

Input from the Local Superintendents Advisory Council (LSAC), Parents Advisory Council (PAC), and Commissioner's Raising Achievement/Closing Gaps Council will be reported at the October meeting.

**Contact Person:**

Jamie Spugnardi, Associate Commissioner  
Office of Teaching and Learning  
502-564-2106  
Jamie.spugnardi@education.ky.gov

---

**Deputy Commissioner**

---

**Commissioner of Education**

**Date:**

October 2008